



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|-----------------------|------------------|
| 09/944,788 | 08/31/2001 | Alfonso De Jesus Valdes | 10454-022001/P-4190-4 | 1821 |

52197 7590 10/07/2005

MOSER, PATTERSON & SHERIDAN, LLP
SRI INTERNATIONAL
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

| |
|----------|
| EXAMINER |
|----------|

SHERR, CRISTINA O

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3621

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,788

Applicant(s)

VALDES ET AL.

Examiner

Cristina Owen Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/25/05, 7/25/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicant's amendment filed July 22, 2005.

Claims 1-6 are pending in this case.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on July 25, 2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

4. Claims 1, 2, and 3 of this application conflict with claims 7, 8 and 9, respectively, of Application No. 09/711,323. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 3621

6. Claims 1, 2, 3, 5, and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

8. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

9. In the present case, claims 1, 2, 3, 5 and 6 only recite an abstract idea. The recited steps of merely receiving a new alert, identifying a set of potentially similar features, updating a similarity log, etc, in order to organizing alerts into classes, do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to organize alerts into different groups or classes, according to various parameters.

10. Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a method for organizing alerts into various groups (i.e., repeatable)

Art Unit: 3621

in order to better plan a response (i.e., useful and tangible). Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1, 2, 3, 5, and 6 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman (US 6,128,640).

13. Regarding claims 1 and 5 –

Kleinman discloses a method for organizing alerts into alert classes, both the alerts and alert classes having a plurality of features, each feature having one or more values, the method comprising the steps of:

- (a) receiving a new alert (e.g. col 8, ln 1-51);
- (b) identifying a set of potentially similar features shared by the new alert and one or more existing 'alert classes; (e.g. col 8 ln 20-50)
- (c) updating a similarity expectation for one or more feature values (e.g. col 6, ln 10-44);
- (d) comparing the new alert with one or more alert classes, as discussed above;
- (e) associating the new alert with the existing alert class that the new alert most closely matches, as discussed above.

Art Unit: 3621

14. Although the Kleinman does not use the same terminology as the instant application, it would be obvious to adapt the teachings of Kleinman in order to obtain greater security and better more organized response to alerts.

15. Regarding claim 2 –

Kleinman discloses passing each existing alert class through a transition model to generate a new prior belief state for each alert class (e.g. col 6 ln 10-44).

16. Regarding claims 3 and 6 –

Kleinman discloses a method for organizing alerts having a plurality of features, each feature having one or more values, the method comprising the steps of:

(a) generating a group of feature records for a new alert, each feature record includes a list of observed values for its corresponding feature (e.g. col 8, ln1-51);

(b) identifying a set of potentially similar features shared by the new alert and one or more existing alert classes that: are associated with previous alerts, as discussed above;

(c) comparing the new alert to one or more alert classes, as discussed above;

(d) adjusting the comparison by an expectation that certain feature values will or will not match, as discussed above; and

(e) associating the new alert with the existing alert class that the new alert most closely matches, as discussed above.

17. Although the Kleinman does not use the same terminology as the instant application, it would be obvious to adapt the teachings of Kleinman in order to obtain greater security and better more organized response to alerts.

Art Unit: 3621

18. Claim 4 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman (US 6,128,640) in view of Harrison (US 5,517,429)

19. Regarding claim 4 –

Kleinman teaches discloses a method for organizing alerts into alert classes, both the alerts and alert classes having a plurality of features, each feature having one or more values, the method comprising the steps of:

- (a) receiving a new alert (e.g. col 8, ln 1-51);
- (b) identifying a set of potentially similar features shared by the new alert and one or more existing 'alert classes; (e.g. col 8 ln 20-50)
- (c) updating a similarity expectation for one or more feature values (e.g. col 6, ln 10-44);
- (d) comparing the new alert with one or more alert classes, as discussed above;
- (e) associating the new alert with the existing alert class that the new alert most closely matches, as discussed above.

20. Kleinman does not specifically teach a plurality of sensors, but Harrison does (e.g. abstract). It would have been obvious to one of ordinary skill in the art to combine the teachings of Kleinman and Harrison in order to make a plurality of sensors a more efficient security tool.

21. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the

Art Unit: 3621

responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. Ziese (US 6,484,315) discloses a method and system for dynamically distributing updates in a network.

24. Timm (US 5,440,498) discloses a method for evaluating the security of protected facilities.

25. Noorhosseinni et al (US 6,707,795) discloses an alarm correlation method and system.

26. Hoseit et al (US 5,475,365) discloses methods and apparatus for intrusion detection having improved immunity to false alarms.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Blanca June 2
PRIMARY EXAMINER